

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                           |   |                       |
|---------------------------|---|-----------------------|
| MICHAEL ISSAC BETHEL,     | ) |                       |
|                           | ) |                       |
| Petitioner,               | ) |                       |
|                           | ) |                       |
| v.                        | ) | Nos. 3:15-cv-573-PLR  |
|                           | ) | 3:08-cr-118-PLR-CCS-1 |
| UNITED STATES OF AMERICA, | ) |                       |
|                           | ) |                       |
| Respondent.               | ) |                       |

**MEMORANDUM OPINION**


Federal prisoner Michael Bethel (“Petitioner”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on October 19, 2011 [Doc. 43; E.D. Tenn. 3:11-cv-495-PLR].<sup>1</sup> The Court denied relief, citing Petitioner’s motion to voluntarily dismiss the action [*See generally* Docs. 67, 68]. Petitioner has now submitted a second petition attacking the same conviction [E.D. Tenn. Case No. 3:08-cr-118]—this time relying on the Supreme Court’s decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015) [Doc. 51; E.D. Tenn. Case No. 3:15-cv-373-PLR].

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court. Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this action to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631 and **CLOSE** the case [Doc. 51]. *See Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

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<sup>1</sup> Each document will be identified by the Court File Number assigned to it in the underlying criminal case: E.D. Tenn. Case No. 3:08-cr-118-PLR-CCS-1.

**ORDER ACCORDINGLY.**

  
UNITED STATES DISTRICT JUDGE